REMARKS

Claims 1, 2 and 4-13 are canceled, claim 3 is amended and claims 19-24 are added herein. Claims 3 and 19-24 will therefore be pending upon entry of this amendment.

The following remarks are responsive to the Office action dated October 24, 2003.

Response to Objection to Drawings

Figures 1-4 have been amended in response to the objections raised in paragraph 4 of the Office action.

Figure 7 has been added herein to show certain features recited in the claims as required by paragraph 4 of the Office action. More particularly, Fig. 7 has been added to illustrate one of the loop fasteners 84, 85 as comprising a nonwoven material attached to an elastic substrate. Support for the added drawing can be found at least at page 23, lines 8-11; page 26, lines 22-25; page 27, lines 2-30; page 28, line 1 through page 29, line 27; and in the claims of the application as originally filed.

The amendments made to Figs. 1-4 and the addition of Fig. 7 are submitted to place the drawings in proper form for allowance.

In the event that the Office maintains any objections to the drawings the undersigned respectfully requests a phone call from the Examiner to further discuss such objections.

Response to Objections to the Specification

In response to paragraph 6 of the Office action, the Abstract has been replaced to overcome the objections raised by the Office.

In response to paragraph 7 of the Office action, Fig. 3 is amended herein to delete reference number 78 and the lead line extending therefrom.

In response to paragraph 8 of the Office action, the specification has been amended accordingly.

Additional amendments have been made to the specification to reference new Fig. 7. These amendments do not add new matter as discussed above with regard to applicants' response to the drawing objections.

In view of the above, the specification is submitted to be in proper form for allowance.

Response to Claim Objections

Claims 10-13 have been canceled. Consequently, the objections raised in paragraph 9 of the Office action are submitted to be moot.

Response to Rejection of Claims Under 35 U.S.C §112

The rejection of claims 4-9 is submitted to be moot in view of the cancellation herein of those claims.

Claims 3 and 19-23 as now presented are submitted to satisfy all of the requirements of 35 USC §112.

Response to Rejection of Claims Under 35 USC §102/103

All claims except original claim 3 have been canceled by this amendment. Thus, the rejection of claims 7 and 8 in paragraph 13 of the Office action, the rejection of claims 1-2, 4-5, 7-11 and 13 in paragraph 4 of the Office action, the rejection of claims 1-2 and 4-13 in paragraph 16 of the Office action, and the rejection of claims 6 and 12 in paragraph 17 of the Office action are submitted to be moot.

Claim 19

New claim 19 is directed to a hook and loop mechanical fastening system for an article in which the loop component of the fastening system is mountable on the article and is capable of elastic stretching (e.g., elongating upon application of elongating force and subsequent retraction upon removal or reduction of the elongating force) in at least two directions (e.g., a machine direction and a cross-machine direction of the loop component). The loop component is constructed of a neck-stretched non-woven material attached directly to an elastic substrate that is elastically stretchable in at least two directions. That is, there is no intervening non-elastic or non-extensible films or other non-elastic or non-extensible materials between the non-woven material and the elastic substrate.

Specifically, new claim 19 recites a mechanical fastening system for an article wherein the mechanical fastening system comprises:

a) a loop component mountable on the article and capable of elastic stretching in at least two directions, said loop component comprising a neck-stretched non-woven material and an elastic substrate, said elastic substrate being elastically stretchable in at least two directions, said non-woven material being attached directly to the elastic substrate; and

b) a hook component mountable on the article and capable of fastening engagement with the loop component to secure the article in a fastened configuration;

c) whereby when the hook component is juxtaposed and engaged with at least a portion of the loop component, the loop

component is stretchable during limited movement of the loop component relative to the hook component.

New claim 19 is submitted to be patentable over the references of record, and in particular U.S. Patent Nos. 5,910,136 (Hetzler et al.); 6,475,600 (Morman et al.); and 5,615,460 (Weirich et al.) as cited in items 13, 14 and 15 of the Office action, in that whether considered alone or in combination the references fail to show or suggest a mechanical fastening system including a loop component that is mountable on an article, capable of elastic stretching in at least two directions, and is constructed of a neck-stretched non-woven material attached directly to an elastic substrate.

Hetzler et al. disclose oriented polymeric microporous (e.g., breathable) films with flexible polyolefins. The film, or a breathable laminate constructed from the film, is disclosed as being useful in absorbent articles such as a diaper (80) as shown in Fig. 3, including using a non-woven portion of a laminate constructed from the film as the loop portion of a hook and loop combination. The Office's position is that such a loop portion is stretchable in multiple directions and is based on the characterization of the film (and hence the laminate constructed from the film) disclosed by Hetzler et al. is elastic. Respectfully, this is not the case.

The invention disclosed by Hetzler et al. is a microporous film, i.e., a film having micropores so that the film is breathable. At column 3, line 47 through column column 7, line 3, Hetzler et al. disclose the "flexible polyolefins" that can be used to initially form the film, and further disclose that the polyolefin resin may optionally include an elastomeric thermoplastic material. However, this is not the final form in which the film is used (e.g., to make a laminate). Rather, the

film must subsequently be stretched so that the film substantially thins and micropores form therein. The film generally stays in this condition and no longer meets the definition of elastic as set forth in the present application. For example, as described in Example 1 (at column 13, lines 48-54) of Hetzler et al., the film, or laminates made from the film, are preheated, stretched and annealed so that the film or laminate made therefrom remains in the stretched condition.

Hetzler et al. thus fail to disclose or suggest a fastening system including a loop component constructed of a neck-stretched non-woven material attached directly to an elastic substrate that is elastically stretchable in at least two directions. That is, the film disclosed by Hetzler et al. is not elastic. Consequently, a loop fastener constructed from such a film cannot be elastically stretchable in at least two directions.

Morman et al. disclose a composite material that can be used to form various portions of an absorbent article, including the loop portion of a hook and loop fastener combination. The composite material is formed by laminating a non-elastic neckable material (14) to a non-elastic film layer (12). See column 6, lines 7-56. The laminate is then necked. Since the neckable material is secured to a non-elastic film, striated rugosities are formed in the film and/or laminate upon necking. An elastic material (50) is bonded to the non-elastic film layer (12) as shown in Fig. 1 and described at column 6, line 57 through column 7, line 16 of Morman et al.

Thus, Morman et al. do not disclose a fastening system including a loop component constructed of a neck-stretched non-woven material attached directly to an elastic substrate that is elastically stretchable in at least two directions. Rather,

the neckable material of the composite disclosed in Morman et al. is laminated to a non-elastic material, not an elastic substrate as recited in new claim 19.

Weirich et al. disclose a female component for a refastenable fastening device which may be used as a loop fastener on absorbent articles. The female component is constructed of a non-woven web secured to an elastic film while the elastic film is in a stretched condition. However, Weirich et al. fail to disclose or even suggest that the non-woven web is necked as recited in new claim 19.

For these reasons, new claim 19 is submitted to be patentable over the references of record.

Claim 3 and new claims 20-23 depend directly or indirectly from new claim 19 and are submitted to be patentable over the references of record for the same reasons as new claim 19.

Claim 24

New claim 24 is similar to new claim 19 with the loop component being instead constructed of a prestrained loop material secured directly to the elastic substrate. Claim 24 is therefore submitted to be patentable over the references of record for substantially the same reasons as set forth above in connection with claim 19. That is, whether considered alone or in combination the references fail to show or suggest all of the features of new claim 24 including the recitation of the loop component being constructed of a prestrained loop material secured directly to the elastic substrate.

Hetzler et al. and Morman et al. lack the recited features as discussed previously. While the female component disclosed in Weirich et al. is constructed of a non-woven web secured to an elastic film while the elastic film is in a stretched

condition, Weirich et al. fail to disclose or even suggest that the non-woven web is prestrained as recited in new claim 24.

CONCLUSION

In view of the above, applicants respectfully request favorable consideration and allowance of claims 3 and 19-24 as now presented.

Respectfully submitted,

Richard L. Bridge, Reg. No. 40.529
SENNIGER, POWERS, LEAVITT & ROEDEL
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

RLB/tmg

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